REMARKS

Claims 1-63 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

In the Office Action, the Examiner has indicated that claims 10-12, 14, 15, 25-27, 29, 30, 41-43, 45, 46 and 48 have been allowed (Applicants assume that the indication of allowability of claim 13 at this time was in error). Applicants would like to thank the Examiner for that indication.

Claims 1-4, 6-9, 16-19, 21-24, 31-35, 37-40, 47 and 49-51 have been rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,802,548 to Shimotsu. The Shimotsu '548 patent resulted from an application filed in the U.S. on February 4, 2004. Accordingly, in order to remove the Shimotsu '548 patent from the prior art, Applicants must show a prior invention date before February 4, 2004, or approximately six weeks before the filing of the present application.

Applicants submit that the invention as defined in claims 1-4, 6-9, 16-19, 21-24, 31-35, 37-40, 47 and 49-51 of the present application was invented before February 4, 2004. Applicants therefore have submitted a Declaration under 37 C.F.R. §1.131 signed by the inventors attesting to their prior conception. As declared in paragraph 2 of the attached Declaration, the inventors conceived of the presently claimed invention as defined in claims 1-4, 6-9, 16-19, 21-24, 31-35, 37-40, 47 and 49-51 before February 4, 2004. After conception, the responsibility of preparing the present application was assigned to the undersigned, who had a reasonable backlog of unrelated cases that the undersigned took up in chronological order. The undersigned also completed his backlog of unrelated cases expeditiously and expeditiously prepared the present patent application and filed the same on March 24, 2007. Accordingly, Applicants submit that the present invention as defined in claims 1-4, 6-9, 16-19, 21-24, 31-35, 37-40, 47 and 49-51 was conceived before February 4, 2004, and that the inventors were diligent in constructively reducing their invention to practice on March 24, 2004. As M.P.E.P. §715.04 states that only the inventors can sign a §131 Declaration (unless the inventors are unavailable or incapacitated), the inventors have only signed a Declaration attesting to the information in their knowledge. While Applicants submit that the present

Declaration is sufficient to show reduction to practice and diligence in filing the present application, the undersigned would be willing to submit a Declaration to attest to his diligence in preparing and filing the application, if necessary. Notably, the file for the present application was opened by the undersigned on January 30, 2004. At that time, as stated above, the undersigned had a reasonable backlog of unrelated cases that the undersigned took up in chronological order. The undersigned also completed his backlog of unrelated cases expeditiously and expeditiously prepared the present patent application and filed the same on March 24, 2007. Accordingly, Applicant's submit that claims 1-4, 6-9, 16-19, 21-24, 31-35, 37-40, 47 and 49-51 are in condition for allowance.

Claims 5, 13, 20, 28, 36 and 44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,802,548 to Shimotsu in view of U.S. Patent No. 6,942,262 to Glasgow et al. First, the invention as defined in claims 5, 13, 20, 28, 36 and 44 of the present application was invented before February 4, 2004 and Applicants were diligent thereafter to the time of constructive reduction to practice as declared in the attached Declaration and as discussed above. Second, the Glasgow et al. '262 patent is not prior art. The Glasgow et al. '262 patent issued after the filing date of the present application. Therefore, the Glasgow et al. '262 patent could only be considered to be prior art under 35 U.S.C. §102(e). However, both the Glasgow et al. '262 patent and the present application have been assigned to Shape Corporation and the inventors of the subject matter of the present application, when such subject matter was made, were under an obligation to assign the subject matter of the present application to Shape Corporation. Accordingly, the Glasgow et al. '262 patent cannot be used to reject the present application as being obvious in combination with another application. See 35 U.S.C. §103(c); M.P.E.P. §2146. Accordingly, claims 5, 13, 20, 28, 36 and 44 are in condition for allowance.

New claims 52-63 are believed to further define the present invention and are believed to be in condition for allowance.

Accordingly, all pending claims 1-63 are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

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Date

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